

# State of North Carolina



BEVERLY EAVES PERDUE  
GOVERNOR

## EXECUTIVE ORDER NO. 45

### TO FACILITATE EMPLOYEE ACCESS TO STATE FACILITIES AND CABINET AGENCY LEADERS

**WHEREAS**, the people of North Carolina have a right to expect that their public agencies will be run as efficiently and effectively as possible; and

**WHEREAS**, regular communication and exchange of ideas between employees and managers is essential to addressing service delivery problems and achieving greater levels of efficiency and effectiveness in governmental operations; and

**WHEREAS**, ensuring a more effective, accountable, reliable and efficient state government requires the commitment, dedication, cooperation, and hard work of all state employees in both managerial and non-managerial positions; and

**WHEREAS**, employee organizations that represent and articulate the views, concerns, and ideas of state employees are important participants in improving the efficiency and quality of service delivery and government operations; and

**WHEREAS**, ensuring reasonable opportunities for public employees to communicate with the representatives of their employee organizations is in the interests of furthering effective dialog between state employees and managers.

**NOW, THEREFORE**, by the power vested in me as the Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

#### **Section 1.**     **Reasonable Access to Facilities**

- a. All heads of state institutions, departments, bureaus, agencies, or commissions subject to the authority of the Governor (hereinafter "executive branch agency") shall permit reasonable access to their facilities for the purposes of membership recruitment, distribution of educational materials related to membership, and consultation regarding membership with representatives of a domiciled employee association that has at least 2,000 members in the State, 500 of whom are employees of the State, a political

- b. subdivision of the State, or a local board of education (hereinafter “covered employee association”).
- c. A covered employee association desiring access to facilities under this Order must submit a request for access to the head of an executive branch agency at least two weeks prior to the requested date of access, unless a shorter time period is authorized by the head of the executive branch agency. A covered employee association’s access under this Order shall be limited to a reasonable number of times each year, as determined by the head of the executive branch agency. Unless otherwise authorized by the head of the executive branch agency, the times for access under this Order shall be limited to the beginning or end of the workday, during shift changes, or at the lunch hour.

## **Section 2. Meet and Confer**

- a. The representatives of each covered employee association shall have the opportunity to meet annually with representatives of the Governor and quarterly with the State Personnel Director regarding issues of mutual concern.
- b. Additionally, the representatives of a covered employee association whose membership includes at least 20 percent of the employees in an executive branch agency shall have the opportunity to meet at least quarterly with representatives of that agency to confer regarding areas of mutual concern, including ways of improving employee-management cooperation, ways of more efficiently and cost effectively delivering high quality services to the public, and the terms and conditions of employment. The head of an executive branch agency may authorize additional meetings as she or he deems appropriate.

The head of each executive branch agency shall designate agency representatives to meet with the representatives of a covered employee association. Such designated persons shall have a level of authority and areas of responsibility that are appropriate to the matters to be discussed. Following the meetings, the representatives of the executive branch agency shall forward to representatives of the Governor any areas of concern related to their particular agency. The representatives of the covered employee association may also forward areas of concern to representatives of the Governor.

## **Section 3. Participation of Employees in Certain Association Activities**

State employees who serve as elected officers or delegates of covered employee associations shall be allowed up to three (3) days of managerially approved leave to participate in the annual convention or annual conference of the covered employee association without a loss of the employees’ personal leave time.

## **Section 4. Participation by Associations in this Order**

Any domiciled employee association that desires to be included in the provisions of this Order shall provide to the Director of State Personnel evidence that it meets the criteria under Section 1.a. of this Order. Any domiciled employee association that desires to meet with an executive

branch agency shall provide to the head of that agency evidence that it meets the criteria under Section 2.b. of this Order.

**Section 5. Employee and State Rights and Responsibilities Maintained**

This Order is intended to encourage communication between employees and State leaders. Nothing in this order shall be construed to limit communication between or among employees, representatives of employee associations, the heads of executive branch agencies, and the Governor. The provisions of this Order shall not be construed or interpreted to diminish any rights, responsibilities, powers, or duties of individual employees in their service to the State or to require or prohibit any state employee's participation in a covered employee association or any other association or group. Further, the provisions of this Order shall not diminish or infringe upon any rights, responsibilities, powers, or duties conferred upon any state officer or agency by the Constitution or laws of the State of North Carolina.

**Section 6. Participation by Other State Entities**

The Board of Governors of the University of North Carolina System, the State Board of Community Colleges, the State Board of Education, and each head of the Council of State agencies are encouraged and invited to participate in this Executive Order.

**Section 7. Effect and Duration**

This Executive Order shall be effective immediately and shall remain in effect until rescinded. All other Executive Orders or portions of Executive Orders inconsistent with this Order are hereby rescinded. This Order specifically rescinds Executive Order No. 105 signed on August 18, 2006.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this **twenty-first** day of **January** in the year of our Lord two thousand and ten and of the Independence of the United States of America the two hundred and thirty-fourth.



Beverly Eaves Perdue  
Governor

**ATTEST:**

Elaine F. Marshall  
Secretary of State